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ZORAIDA PEÑA CANAL

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION
11

12 ZORAIDA PEÑA CANAL,

13 Plaintiff,

14 v.

15 MABELLE DE LA ROSA DANN, TERESA
16 VITTET DE LA ROSA, and DOES 1 to 10,
inclusive,

17 Defendants.

Case No. 4:09-cv-03366 CW

**DECLARATION OF NANCY E.
HARRIS IN SUPPORT OF EX PARTE
APPLICATION FOR REFERENCE
TO MAGISTRATE JUDGE FOR
JUDGMENT DEBTOR EXAM**

1 I, NANCY E. HARRIS, declare:

2 1. I am an attorney with the law firm of Orrick Herrington Sutcliffe, LLC, attorneys
3 for plaintiff ZORAIDA PEÑA-CANAL in this action. I am duly admitted to practice law in the
4 United States District Court of the Northern District of California. If called as a witness, I could
5 and would competently testify as follows:

6 2. An Amended Judgment was entered in this action on September 6, 2011 in favor
7 of plaintiff in the sum of \$1,080,110.72. Defendant and Judgment Debtor Mabelle De La Rosa
8 Dann is jointly and severally liable for the entire amount of the judgment. Defendant and
9 Judgment Debtor Teresa Vittet De La Rosa is jointly and severally liable for \$64,401.15 of the
10 judgment. Less than \$8,000 has been paid to plaintiff on the Judgment, all paid through a U.S.
11 Bureau of Prisons program while Judgment Debtor Mabelle De La Rosa Dann was incarcerated.
12 Other than that amount, the entire judgment amount plus accrued interest remains due and owing.

13 3. Plaintiff wishes to examine the judgment debtors regarding any assets, business
14 affairs and any income or potential income of the debtors.

15 4. Rule 69 provides that proceedings in aid of execution shall be in accordance with
16 the practice and procedure of the state in which the district court is located.

17 5. California Code of Civil Procedure Section 708.11 provides a procedure for post
18 judgment examination of the judgment debtor.

19
20 (a) The judgment creditor may apply to the proper court for an order requiring the
21 judgment debtor to appear before the court, or before a referee appointed by the
22 court, at a time and place specified in the order, to furnish information to aid in
23 enforcement of the money judgment.

24 6. I am informed that Judgment Debtor Mabelle De La Rosa remains in the custody
25 of the U.S. Bureau of Prisons and was recently released to a half-way house located in Oakland,
26 California. Plaintiff lacks information regarding the location of Judgment Debtor Teresa Vittet
27 De La Rosa but believes that an examination of Judgment Debtor Mabelle De La Rosa will likely
28 provide that information.

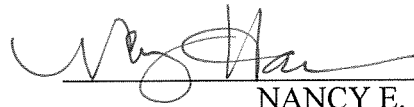
1 7. Plaintiff respectfully requests that the case be referred to a Magistrate Judge so that
2 the matter may be set for a Judgment Debtor Exam of Mabelle De La Rosa pursuant to an Order
3 of Examination.

4 I declare under penalty of perjury that the foregoing is true and correct.

5 Executed on June __, 2014 at San Francisco, California.

6
7 Dated: June 9, 2014

8 NANCY E. HARRIS
9 ORRICK, HERRINGTON & SUTCLIFFE LLP

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11 NANCY E. HARRIS
12 Attorneys for Plaintiff
13 ZORAIDA PEÑA CANAL